

To Local Boards of Health :—

The frequency with which milk is adulterated or impoverished and the evils which arise from the use of unhealthful or impure milk are so serious that stringent laws have been deemed necessary in order to check these injurious practices. There is no one article of food that is so often adulterated, and it is absolutely imperative that the milk furnished to children and invalids shall be pure. It is to be hoped that our local health boards will become interested in this matter, and use the power that has been given them to protect the public from impure food.

Attention is directed to the laws enacted by the last Legislature intended to regulate the sale of milk and to prevent the adulteration of that article.

I.

"An act to provide for the licensing and regulating of milk dealers and their agents in cities, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp-meeting associations or seaside resorts." Approved March 10th, 1882.

This law empowers the governing body of any city, town, borough, camp-meeting or seaside resort to provide for the licensing and regulating of all persons engaged in the sale of milk, and to require, as a prerequisite to engaging in such business, a yearly license fee to be paid into the treasury of the town, borough or other corporation.

The law requires a separate license for each store, wagon, or conveyance employed in the business. It also empowers corporations to fix and establish fines and penalties, not exceeding \$50, for selling milk without a license, or for violating any rule or ordinance established. Corporations are authorized to appoint local milk inspectors and to provide payment for their services. Where local health officers or sanitary inspectors are now appointed the office of milk inspector would naturally belong to these officers, and the duties would be fulfilled without extra cost to the corporation.

The duties of local inspectors are clearly defined by the law, and all fines and penalties are required to be paid into the treasury of the corporation for which the inspector acts.

The object of this law is to place in the hands of our local authorities power to check the sale of impure milk, and if the law is carried out in each city and town in the state the traffic in unhealthful milk will soon be broken up.

If licenses are granted we would suggest that the applicant be required to file a statement embracing the following facts: (1) The source of the milk offered for sale. (2) The number of cows in the herd. (3) Kind of fodder used. (4) Average quantity sold. (5) Breed of cows in the herd. (6) Condition of stables. (7) Situation of farm or stables. By working on this plan the public may be informed as to the origin of their milk supply.

II.

"An act to prevent the adulteration and to regulate the sale of milk." Approved March 14th, 1882.

Laws similar to this have been on our statute books for years, but this is the latest modification. This law provides that:

"Every person who shall sell, or who shall offer or expose for sale, or who shall transport or carry, or who shall have in possession with intent to sell, or offer for sale, any milk from which the cream, or any part thereof has been removed, shall distinctly, durably and permanently solder a label or tag of metal in conspicuous place upon the outside and not more than six inches from the top of every can, vessel or package containing such milk, and said metal label or tag shall have the words "SKIMMED MILK," stamped, engraved or indented thereon in letters not less than TWO INCHES in height, and such milk shall only be sold or shipped in or retailed out of a can, vessel or package so marked.

The object of this section is to prevent the public from being defrauded, and to compel dealers to sell impoverished milk for what it really is.

No person shall sell or offer for sale or transport or carry for the purposes of sale, or have in possession with intent to sell or offer for sale, any impure, adulterated or unwholesome milk.

No person shall adulterate milk or shall keep cows for the production of milk in a crowded or unhealthy condition, or feed them on food that produces impure, diseased or unwholesome milk. The addition of water or any substance or thing is considered an adulteration, and milk that is obtained from animals that are fed on distillery still or upon any substance in a state of putrefaction or rottenness, or upon any substance of an unhealthful nature is declared to be impure and unwholesome.

The feeding of cows on any of the above mentioned substances is prohibited.

No person shall sell any milk that has been exposed to the emanations, discharges or exhalations from persons sick with scarlet fever, measles, diphtheria, typhoid fever or any contagious disease.

For violating this law a penalty of \$50 is provided for the first offence, and \$100 for the second or subsequent offence. In every case the impure milk is forfeited.

Justices of the Peace and Recorders have jurisdiction to try cases and impose penalties. (District Courts also have jurisdiction in cities where such courts are located.)

The State Inspector of Milk, his assistants, local health officers and local inspectors have power to inspect milk and to make complaints. All fines must be paid into the State or Local Treasury and no person is directly or indirectly interested in the penalties or any part of them.

Chapter 217, Laws of 1881, also refers to the adulteration of milk.

It will be noticed that our local authorities have had conferred on them ample power to check the sale of impure milk and the State Inspector is ready and willing to assist in the work. If it is desired that inspections be conducted by local officers the State Inspector will instruct them and will initiate a system of work when requested so to do.

In order to comply with the law and have all the steps in a case conducted in a proper manner, it will be necessary to follow the statute explicitly. A few notes are given that may be of value.

1. The recovery of a penalty is a civil process to be conducted before a Justice, Recorder or a District Court, and the papers should be carefully drawn up by a competent lawyer.

2. The law requires that an analysis of suspected milk shall be made by a member of the Council of Public Analysts or by the Chemist of the State Experimental Station before conviction is possible. The only exception to this rule is in a case where positive proof can be brought by witnesses that the milk in question was adulterated or skimmed. The certificate of the Chemist or Public Analyst is *prima facie* evidence, and it is not necessary to summon these persons as witnesses.

3. If a sample is taken for analysis, it should be sealed up in the presence of a witness, and a label affixed to identify the specimen. Every step in the transaction should be noted as evidence to be used in the trial. About one-quarter of a pint is enough to analyze, and the specimen should be guarded against breakage.

4. As no appropriation is made for this purpose, the cost of the analysis must be fixed by special arrangement with the analyst who is engaged.

5. As a lactometer is necessary in inspection, local officers should be provided with one. The standard instruments used in this state are made by John Tagliabue, 66 Fulton Street, New York.

Before use the instruments should be compared with the standard in the office of the State Inspector at Paterson. This comparison will be made without charge, provided that express charges are paid both ways.

6. Much valuable information on milk may be obtained in the Fourth and Fifth Annual Reports of the State Board of Health.

The inspection of stables and the prevention of the sale of milk from diseased cows can only be done by local officers, as the ground is too great to be covered by the State Inspector. This branch of the work should be well done by our local health boards.

The undersigned will willingly assist any local board of health and will be pleased to answer any communication relating to the subject.

WM. K. NEWTON, M. D.,

State Inspector of Milk,

